



City Council Agenda

Council President
Henry T. Perea

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Cynthia Sterling
Larry Westerlund
Blong Xiong – Acting President

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

October 2, 2007

8:30 A.M. ROLL CALL

Invocation by Bishop Johnson from the Bethesda Apostolic Church

Pledge of Allegiance to the Flag

Ceremonial Presentation:

Presentation of the SPCA Pet of the Month – Councilmember Westerlund - **Presented**

Proclamation of "FRESNO CULTURAL ARTS MONTH" – Mayor Autry and All Councilmembers – **Read and presented**

Proclamation of "STEP OUT FOR DIABETES WALK" – Council President Perea – **Read and presented**

Resolution of Commendation to Fleet Management of the General Services Department for Their the Dodge Charger Patrol Car In-House Build Out Program – City Manager's Office – **Read and presented**

The agenda is available on (www.fresno.gov). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.
PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of September 25, 2007

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 11:00 a.m.

- A. **RESOLUTION** – Approving regulatory relief measures for the Building Equity and Growth in Neighborhoods (BEGIN) grant application to the State of California Department of Housing and Community Development (Proposition 1C) for the proposed Maple Valley Subdivision in Central West Fresno – Planning and Development Dept.

Action Taken: Resolution No. 2007-327 adopted, as amended

- B. * Adopt the Side Letter Agreement between the City of Fresno (City) and the International Association of Firefighters, Non-Management Fire, Local 753 (IAFF) – Personnel Services Department

Action Taken: Adopted

- C. * **RESOLUTION** – 30th amendment to AAR No. 2007-214 appropriating \$10,000 to support the enhancement of the Medical Reserve Corps Program under the Police Department through a contractual agreement between the National Association of County and City health Officials (NACCHO) and the City of Fresno (**Requires 5 affirmative votes**) – Police Department

Action Taken: Resolution No. 2007-322 adopted

1. **CONSENT CALENDAR CONTINUED**

- D. * Award a contract in the amount of \$499,986.25 to JWT General Engineering for the installation of street infrastructure in No Neighborhood Left Behind Area 23 (*Property located in District 3*) – Dept. of Public Utilities
Action Taken: Awarded
- E. * **RESOLUTION** - Authorizing the Public Utilities Director to execute the Letter Agreement with the United States Department of the Interior, Bureau of Reclamation, associated with long-term Water Service Contract No. 14-06-200-8901-LTR1
Action Taken: Discussed; and tabled to 10/16/2007
- F. Reject all bids for landscape maintenance services at City Hall and Santa Fe Depot – PR&CS
Action Taken: Rejected
1. * Request the authorization for the Parks, Recreation and Community Services Department to lease-purchase a truck for the maintenance of City Hall and Santa Fe Depot using the City's Master Lease Agreement
Action Taken: Authorized
- G. Item removed from the agenda
- H. * Award a construction contract in the amount of \$188,994.34 to Bush Engineering, Inc., for asphalt concrete overlay on Tulare Street from Freeway 41 to Orchard Avenue (*Property located in District 3*) – Public Works Dept.
Action Taken: Awarded
- I. **RESOLUTION** - Nominating Herndon and Shaw Avenues at the Union Pacific Railroad mainline tracks for an allocation from the 2008-2009 and 2009-2010 State Grade Separation Fund (*Property located in District 2*) – Public Works Dept.
Action Taken: Resolution No. 2007-323 adopted
- J. Rejection of all bids for construction of site improvements at the Santa Fe Depot – Public Works Dept.
Action Taken: Rejected
- K. * Approval of an assignment/assumption of professional services agreement with Verde Design, Inc., (Formerly Beals Alliance, Inc.) – Public Works Dept.
Action Taken: Approved
1. * Approve 1st amendment to agreement in the amount of \$70,000 for the skate park design of Todd Beamer Park, located within the City of Fresno (*Property located in District 6*)
Action Taken: Approved
- L. * Approve an agreement with Moore Iacofano Goltsman, Inc., (MIG Inc.) in the amount \$468,662.00 for the preparation of plans, specifications, and cost estimates for Phase Two of the Figarden Baseball Complex (*Property located in District 2*) – Public Works Dept.
Action Taken: Approved
- M. * Approve agreement with Provost & Pritchard Engineering Group, Inc. in the amount of \$159,300 to design the widening of Herndon Avenue from four (4) to six (6) lanes within the City of Fresno between Marks and Valentine Avenues (*Property located in District 2*) – Public Works Dept.
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- N. 1. Award four (4) multi-prime contracts totaling \$388,051.18 and reject (1) one multi-prime bid package related to the Dickey Youth Development Center, as follows: *(Property located in District 3) – Public Works Department:*
- a. * Award a contract in the amount of \$42,537.18 for bid package 01 to Briner & Son, for landscape & irrigation; and
Action Taken: Awarded
 - b. * Award a contract in the amount of \$218,500 for bid package 05 to DMG Construction Inc., for casework & millwork; and
Action Taken: Awarded
 - c. * Award a contract in the amount of \$42,300 for bid package 07 to Western Building Materials, for acoustical ceilings; and
Action Taken: Awarded
 - d. * Award a contract in the amount of 84,714 bid package 09 to Davis Moreno Construction, for fire sprinklers; and
Action Taken: Awarded
 - e. Reject bid for bid package 11, from Nolte Sheet Metal, Inc. for heating, ventilation, and air conditioning (HVAC)
Action Taken: Rejected
2. * **RESOLUTION** - 31st amendment to AAR No. 2007-214 appropriating \$73,700 in rebudgeted State grant funds and reallocating \$1,045,000 in Parks impact fee bond funds to complete funding for the construction of the Dickey Youth Development Center *(Requires 5 affirmative votes)*
Action Taken: Resolution No. 2007-328 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION –**

9:00 A.M. B. **UNSCHEDULED COMMUNICATION –** Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda

9:15 A.M. **CITY COUNCIL**

- A. Status report on Fire Station 16 relocation and discussion regarding relocation concerns and related staff direction – Acting President Xiong
Action Taken: Discussed; direction to staff to keep station failed

9:30 A.M. **GENERAL ADMINISTRATION**

- A. * **RESOLUTION** - Adopt a policy to provide fee waivers, credits, or reductions for affordable housing development – Planning and Development Dept.
Action Taken: Resolution No. 2007-324 adopted
- B. Consideration of the possible creation of an industrial park west of the Roeding Business Park (tentatively referred to as the “State Route 180 West Industrial Park”) under Section 2.4 of the Fresno City and County Memorandum of Understanding (MOU) related to Economic Development – Planning and Development Dept.
Action Taken: Staff to pursue meeting with the Board of Supervisors

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:30 A.M.

GENERAL ADMINISTRATION CONTINUED

- C. Discussion and direction regarding budget update:
1. * **RESOLUTION** - 18th amendment to AAR No. 2007-214 to re-budget \$631,000 from various Council District Infrastructure funds based on the carry-over balances from fiscal year 2007 – Finance Dept./Budget Division (*Requires 5 affirmative votes*)
Action Taken: Resolution No. 2007-325 adopted
 2. Authorize the City Manager or designee to negotiate and enter into an agreement with Poverello House to expand their facilities capacity to better address Fresno's homeless population – City Manager's Office
Action Taken: Authorized
 - a. * **RESOLUTION** - 22nd amendment to the AAR No. 2007-214 appropriating \$80,000 in the General Services Administration fund, and \$170,400 in the Poverello House Improvement Capital Fund to provide funds for capital improvements and additional administrative costs at Poverello House's Village of Hope (*Requires 5 affirmative votes*) - City Manager's Office
Action Taken: Failed due to the need for 5 affirmative votes
 - b. Authorize waiver request for all associated City development and entitlement fees – General Services Dept.
Action Taken: Authorized
 - c. Appoint Council sub-committee to consider proposed allocations – City Manager's Office
Action Taken: Approved/members to be appointed by President Perea

10:30 A.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of September 25, 2007

Action Taken: Approved

- A. * **RESOLUTION** - Approving the material terms of a Disposition and Development Agreement (DDA) with Lreg Partners, L.P. (Developer) to develop a mixed use project (the Project), authorizing the City Manager, Executive Director of Agency, and City Attorney's Office to complete an agreement, and authorizing the execution and delivery of the agreement, and related documents, and taking all necessary action related to the transaction, consistent with this resolution (*Council and Agency action*) - City Manager's Office
Action Taken: Laid over two weeks
- B. City Council and Redevelopment Agency Board consider taking the following actions:
1. Approve the Memorandum of Understanding (MOU) between the Redevelopment Agency and Aquarius Brands, Inc. and authorize the Executive Director to execute the MOU (*Agency action*)
Action Taken: Approved
 2. Approve the Professional Service Agreement with Boyle Engineering Corporation for the preparation of design plans and specifications for the Florence Avenue Street and Storm Drain Improvement project in compliance with the Memorandum of Understanding and authorize the Executive Director to execute the agreement (*Council and Agency action*)
Action Taken: Approved
- C. **RESOLUTION** - Finding that the use of taxes allocated from the Fruit/Church Redevelopment Project for the purpose of increasing, improving, and preserving the community's supply of low- and moderate-income housing in areas outside the project area will be of benefit to the project (*Council and Agency action*)
Action Taken: Resolution Nos. 2007-326/1709 adopted

ADJOURN AGENCY

October 2, 2007

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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AND MAY BE AMENDED AT ANYTIME

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:00 A.M.#1 **CONTESTED CONSENT ITEMS (IF ANY)**

11:00 A.M.#2 **WORKSHOP** on Contract Compliance Program – City Attorney's Office - **Held**

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Pizzo vs. City of Fresno, et al.
2. **Case Name:** Eya Dean v. City of Fresno, Superior Court Case No. 04CECG00182
3. **Case Name:** Vincent Lopez, et al. v. City of Fresno, et al., Superior Court Case No. 06CECG02662
Action Taken: **Held**

SCHEDULED COUNCIL HEARINGS AND MATTERS

Oct.	9-	NO MEETING – COLUMBUS DAY
Oct.	16-	10:00 A.M. HEARING re: CFD No. 11, Annexation No. 22, Tract No. 5511 – Public Works Dept.
Oct.	16-	10:15 A.M. CONTINUED HEARING to consider Conditional Use Permit Application No. C-06-229, filed by Omnipoint Communications, Inc.
Oct.	16 -	10:30 A.M. CONTINUED HEARING to consider adoption of EA-07-31, filed by the Dept. of Public Utilities – Department of Public Utilities
Oct.	16 -	10:45 A.M. HEARING re: consideration of alternative building standards and adaptive reuse policy and Procedure – Planning and Development Dept.
Oct.	23-	8:30 A.M. Presentation of P.R.I.D.E. Team Certificates for the fall Quarter – Reception immediately following – 2 nd floor foyer
Oct.	23-	10:00 A.M. Ballot results for change of tax rate for CFD No. 2, Annexations Nos. 81 and 82
Oct.	23-	10:15 A.M. Discussion and direction regarding the Strategic Plan/SOC Document – Fire Department
Oct.	23 -	10:30 A.M. TEFRA HEARING for the acquisition and construction of a 144-unit multifamily residential rental project, commonly known as Campus Pointe Apartments
Nov.	13-	NO MEETING – VETERAN'S DAY
Nov.	20 -	NO MEETING – THANKSGIVING WEEK
Nov.	27 -	10:00 A.M. HEARING re: UUD No. FRE-86 (Shepherd Avenue between Willow Avenue (Property located in District 6)
Dec.	4 -	NO MEETING
Dec.	18-	10:00 A.M. Presentation by Council of Governments (COG) regarding the Blueprint Outreach
Dec.	18-	10:10 A.M. Metro Loop Presentation (30 minutes)
Dec.	25 -	NO MEETING – CHRISTMAS WEEK